

104TH CONGRESS
1ST SESSION

H. R. 898

To prohibit high seas fishing vessels from engaging in harvesting operations on the high seas without specific authorization from the Secretary of Commerce, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1995

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To prohibit high seas fishing vessels from engaging in harvesting operations on the high seas without specific authorization from the Secretary of Commerce, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “High Seas Fishing
5 Compliance Act of 1995”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act, the term—

1 (1) “Agreement” means the Agreement to Pro-
2 mote Compliance with International Conservation
3 and Management Measures by Fishing Vessels on
4 the High Seas, adopted by the Conference of the
5 Food and Agriculture Organization of the United
6 Nations on November 4, 1993;

7 (2) “high seas” means the waters beyond the
8 territorial sea or exclusive economic zone (or the
9 equivalent) of any nation, to the extent that such
10 territorial sea or exclusive economic zone (or the
11 equivalent) is recognized by the United States;

12 (3) “high seas fishing vessel” means any vessel
13 of the United States used or intended for use—

14 (A) on the high seas;

15 (B) for the purpose of commercial exploi-
16 tation of living marine resources; and

17 (C) as a harvesting vessel, as a mother
18 ship, or as any other support vessel directly en-
19 gaged in a fishing operation;

20 (4) “international conservation and manage-
21 ment measures” means measures to conserve or
22 manage one or more species of living marine re-
23 sources that are adopted and applied in accordance
24 with the relevant rules of international law and that
25 are recognized by the United States. These measures

1 may be adopted by global, regional, or sub-regional
2 fisheries organizations, subject to the rights and ob-
3 ligations of their members, or by treaties or other
4 international agreements;

5 (5) “person” means any individual (whether or
6 not a citizen of or national of the United States),
7 any corporation, partnership, association, or other
8 entity (whether or not organized or existing under
9 the laws of any State), and any Federal, State, local,
10 or foreign government or any entity of those govern-
11 ments; and

12 (6) “Secretary” means the Secretary of Com-
13 merce.

14 **SEC. 3. PROHIBITION.**

15 No high seas fishing vessel shall engage in harvesting
16 operations on the high seas without specific authorization
17 from the Secretary issued under this Act.

18 **SEC. 4. INFORMATION.**

19 If the Secretary has reasonable grounds to believe
20 that a foreign vessel has engaged in activities undermining
21 the effectiveness of international conservation and man-
22 agement measures, the Secretary shall—

23 (1) provide the flag nation information, includ-
24 ing appropriate evidentiary material, relating to
25 those activities; and

1 (2) when the foreign vessel is voluntarily in a
2 United States port, promptly notify the flag nation
3 and, if requested by the flag nation, make arrange-
4 ments to undertake any lawful investigatory meas-
5 ures as may be necessary to establish whether the
6 vessel has been used contrary to the provisions of
7 the Agreement.

8 **SEC. 5. UNLAWFUL ACTIVITIES.**

9 It is unlawful for any person subject to the jurisdic-
10 tion of the United States—

11 (1) to use a high seas fishing vessel on the high
12 seas unless the vessel is authorized by the Secretary
13 under section 3; or

14 (2) to use a high seas fishing vessel on the high
15 seas in contravention of international conservation
16 and management measures.

17 **SEC. 6. REGULATIONS.**

18 The Secretary shall issue any necessary regulations
19 to implement the requirements of this Act or otherwise
20 carry out the obligations of the United States under the
21 Agreement.

1 **SEC. 7. FOREIGN FISHING FOR ATLANTIC HERRING AND**
2 **ATLANTIC MACKEREL.**

3 Section 201(f) of the Magnuson Fishery Conservation
4 and Management Act (16 U.S.C. 1801(f)) is amended to
5 read as follows:

6 “(f) FOREIGN FISHING FOR ATLANTIC HERRING
7 AND ATLANTIC MACKEREL.—

8 “(1) Congress finds that sufficient United
9 States harvesting capacity exists and will continue to
10 exist at least through 1999 in the Atlantic herring
11 and Atlantic mackerel fisheries so that no surplus
12 exists in those fisheries under the United Nations
13 Convention on the Law of the Sea.

14 “(2) No allocation of Atlantic herring or Atlan-
15 tic mackerel may be made under subsection (e) be-
16 fore March 17, 1999.”.

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